

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20-cv-00250-MR-WCM

PATRICIA SIMONDS,
L.R., by and through
guardian ad litem Joy McIver

Plaintiffs,

v.

CHEROKEE COUNTY, NC;
SCOTT LINDSAY, in his individual capacity,
and in his official capacity; and
CINDY PALMER, in her individual capacity,
and in her official capacity,

Defendants.

ORDER

This matter is before the Court *sua sponte* following the undersigned's Order granting the Motion to Sever, and the filing of a Third Amended Complaint. See Docs. 22 & 27.

This matter was removed to this Court on September 11, 2020. Doc. 1. In a Second Amended Complaint filed on October 6, 2020, numerous plaintiffs asserted claims against Cherokee County, Scott Lindsay, Cindy Palmer, Donna Crawford, and Lisa Davis. Jamie Allen was the first named plaintiff in the Second Amended Complaint. Doc. 9.

On May 19, 2021, the undersigned granted the Motion to Sever for Improper Joinder Pursuant to Rules 20 and 21. See Doc. 22. Plaintiffs were

directed to refile their claims as separate lawsuits or seek dismissal of their claims. Id.

On October 13, 2021, Plaintiffs filed a Third Amended Complaint in the above-numbered action against Cherokee County, Scott Lindsay in his official and individual capacities, and Cindy Palmer in her individual and official capacities. Doc. 27. Although the caption of the Third Amended Complaint includes plaintiffs and defendants who were named in the Second Amended Complaint (including Jamie Allen and others), the body of the Third Amended Complaint indicates that it is filed on behalf of plaintiffs Patricia Simonds and her child, L.R. only and asserts claims against the above-captioned defendants.

Accordingly, the Clerk is respectfully **DIRECTED** to correct the caption of this matter to reflect Patricia Simonds and L.R. as plaintiffs, and Cherokee County, Scott Lindsay in his official and individual capacities, and Cindy Palmer in her individual and official capacities as defendants.

It is so ordered.

Signed: October 13, 2021



W. Carleton Metcalf
United States Magistrate Judge

